

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 13, 2009

DIVISION ONE

B214812 Rene Sampay (Not for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order of February 17, 2009, in Los Angeles Superior Court case No. TA104059 , entitled People v. Rene Sampay, denying petitioner's discovery motion and to conduct an in camera inspection of the Los Angeles Police Department personnel files of Officer Magana (38753) and Officer Zaragoza (39188) to determine whether the personnel files of the two officers contain any information relating to dishonesty or acts constituting a violation of the statutory or constitutional rights of others, but excluding all information of acts that took place more than five years before the arrest of Rene Sampay.

Mallano, P.J. Rothschild, J.

DIVISION FOUR

B205122 Floyd (Not for Publication)
v.
State Personnel Board et al.

The judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FOUR (continued)

B204221 RLLW, Inc. et al. (Not for Publication)
 v.
 Lindstrom

The judgment is reversed. Appellant(s) to recover costs.

Epstein, P.J.

We concur: Willhite, J.
 Suzukawa, J.

B202938 People (Not for Publication)
 v.
 Pree

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
 Suzukawa, J.

B203571 People (Not for Publication)
 v.
 Davis

The restitution award is vacated, and the matter is remanded with instructions to enter a new restitution award that does not include the investigative costs incurred by the Department of Insurance. Further, upon remand, the trial court is directed to prepare an amended abstract of judgment reflecting appellant's presentence custody credits (see fn. 4, *ante*) and to forward it to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

May 13, 2009 (Continued)

DIVISION FOUR (continued)

B208012 People (Not for Publication)
v.
Coronado

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FIVE

B212828 Los Angeles County, D.C.F.S. (Not for Publication)
v.
J.M.
A.M.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B214036 People (Not for Publication)
v.
Rick Cunningham

The judgment is affirmed. Habeas petition in B215783, consolidated by order May 8 with the appeal herein, is denied.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

May 13, 2009 (Continued)

DIVISION FIVE (continued)

B214658 People (Not for Publication)
v.
Matt Matthews

The appeal is dismissed without prejudice.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B209244 People (Not for Publication)
v.
Victor Infante

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

B214915 People (Not for Publication)
v.
Bryan Pagayon

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

May 13, 2009 (Continued)

DIVISION FIVE (continued)

B210316 Sam Canady (Not for Publication)
 v.
 C & CH,

The attorney's fees order is affirmed. Defendant, C & CH, LLC, is to recover its costs on appeal from plaintiff, Samuel Canady.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B214079 Cannon Electric, Inc., et al., (Not for Publication)
 v.
 Continental Casualty Co.,

The appeal is dismissed without prejudice. All parties are to bear their own costs incurred on appeal.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION SIX

Court convened at 9:00 a.m.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B204919 Guggenheim v. City of Goleta

Ordered off calendar.

B196754 Employers Ins. of Wausau v. Neal

Argument continued to June, 2009.

DIVISION SIX (continued)

B203391 Marriage
 of
 Hagaman

Merits:

Argued by James L. Keane for appellant and by Marjorie G. Fuller for respondent. Cause submitted.

Yegan, J. assumed the bench.

B206934 Stroud
 v.
 Armenta

Merits:

Argued by James E. Marino for appellant and by Glen M. Feldman for respondent. Cause submitted.

Coffee, J. left the bench.

B206207 Venoco, Inc.
 v.
 Gulf Underwriters Ins. Co.

Merits:

Argued by Jeffrey Isaac Ehrlich for appellant and by David B. Babbe for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

DIVISION SIX (continued)

B210262 Roe
 v.
 Ecolab, Inc.

Merits:
Argued by Elwood Lui for appellant and by Daniel J. Palay for respondent.
Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B214071 R.F. v. Santa Barbara Superior Court (Child Welfare Services)

Presentation continued to June, 2009.

Each of the following:

B214064 S.A. v. Santa Barbara Superior Court (Child Welfare Services)
B214171 J.T. v. Santa Barbara Superior Court (Child Welfare Services)

Presentation waived, cause submitted.

B211431 Burlage
 v.
 Ventura County Superior Court
 (Spencer, r.p.i.)

Alternative Writ:
Presented by Wendy C. Lascher for petitioners and by John A. Taylor for
real party in interest. Cause submitted.

Yegan, J. left the bench.

Coffee, J. assumed the bench.

DIVISION SIX (continued)

B209160 Scott
 v.
 Rayhrer

Merits:

Argued by Wendy C. Lascher for appellant, by Randolph M. Even for respondent Rayhrer, M.D. and by Vangi Marie Johnson for respondent Iwasiuk, M.D.. Cause submitted.

Court adjourned.

DIVISION EIGHT

B203781 California Water Impact Network, (Not for Publication)
 v.
 Newhall County Water District et al.
 Gate King Properties et al.
B203782 California Oak Foundation et al.,
 v.
 City Of Santa Clarita,
 Gate King Properties et al.

The judgment dated September 5, 2007, in case number BS084677, Santa Clarita Oak Conversancy v. City of Santa Clarita, is affirmed. The order dated September 5, 2007, in case number BS098727, California Water Impact Network v. Newhall County Water District, is affirmed. Respondents shall recover their costs on appeal.

Bigelow, J.

We concur: Rubin, Acting P.J.
 O'Neill, J. (Assigned)

May 13, 2009 (Continued)

DIVISION EIGHT (continued)

B206292 Christian (Not for Publication)
v.
State of California, et al.

The judgments are affirmed.

Bauer, J. (Assigned)

We concur: Rubin, Acting P.J.
Bigelow, J.

B198263 Liberato et al. (Not for Publication)
v.
Asuncion et al.

The order denying the section 425.16 motion and granting costs and attorney fees is affirmed. Respondents are to recover costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.

B210659 People (Not for Publication)
v.
Fabian D. Evans

The order revoking defendant's probation is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Bigelow, J.

DIVISION EIGHT (continued)

B197063 People (Not for Publication)
v.
Juanita C. Garcia

The cause is remanded to the trial court, which shall offer appellant the opportunity to discharge her trial counsel for purposes of a de novo motion for new trial. If appellant accepts that offer, she may represent herself, retain new counsel or assert indigence and request an appointed attorney. Once appellant's representation status is settled, the trial court shall set a new post-trial motion hearing, and proceed in a manner consistent with this opinion. If appellant declines to pursue another motion for new trial, or if that motion takes place and is denied, the sentence previously imposed shall be reinstated. In all other respects, the proceedings below are affirmed.

O'Neill, J. (Assigned)

We concur: Flier, Acting P.J.
Bigelow, J.

B205884 People (Not for Publication)
v.
Raheen Mario Childs et al.,

The judgments are affirmed.

Flier, Acting P.J.

We concur: Bigelow, J.
Bauer, J. (Assigned)

May 13, 2009 (Continued)

DIVISION EIGHT (continued)

B208489 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 T.S.

The order is affirmed.

Flier, Acting P.J.

We concur: Bigelow, J.
 Bauer, J. (Assigned)

B206668 Amezcua et al.
 v.
 County of Los Angeles

Filed order denying petition for rehearing.